

In the United States Patent and Trademark Office

Serial Number: 09/575123
Application. Filed: May 23, 2000
Applicant: Kia Silverbrook; Paul Lapstun
Application Title: Method and System for Delivery of a Newspaper or Magazine
Examiner/GAU: Laurie Anne Ries 2176
Dated June 26, 2007
At: Balmain, NSW
Docket No. NPA006US

OK TO
ENTER
HL 6/28/07

REPLY

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

The Applicant thanks the Examiner for the Final Office Action dated May 25, 2007.

Claim Rejections – 35 USC § 103

The Applicant maintains that the combination of Dougherty and Fateh would not have obviously led the skilled person to arrive at the present invention.

The Examiner admits that Fateh uses a gyroscope to determine an orientation of his sensing device. This is uncontested by the Applicant and the Examiner.

However, the Examiner is now arguing that *a priori* Fateh provides sufficient motivation to *remove* the gyroscope altogether as a means for determining orientation, and instead use orientation markers in a printed code which is readable by Fateh's sensing device. The Applicant is perplexed as to where Fateh provides such a motivation.

The Applicant is, of course, aware that arguments countering obviousness cannot attack documents individually. However, it is necessary in an analysis of obviousness to determine what is taught by each cited document and then to determine whether the teaching of one document makes up for the shortcomings of another document. MPEP 2143 sets out the three criteria to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.**